

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DENNIS THOMAS, No C-09-4948 VRW (PR)
Petitioner,
v ORDER OF TRANSFER
J HARTLEY, Warden,
Respondent.

Petitioner seeks federal habeas review of the execution of a sentence imposed by the Alameda County superior court, which lies in this judicial district. See 28 USC § 84(a). Petitioner is incarcerated at Avenal State Prison in the County of Kings, which lies in the Eastern District of California. See id § 84(b).

Venue in a habeas action is proper in either the district of conviction or the district of confinement. 28 USC § 2241(d); Dannenberg v Ingle, 831 F Supp 767, 768 (ND Cal 1993). The district of confinement, however, is the preferable forum to review the execution of a sentence. See Habeas L R 2254-3(b)(2); Dunne v Henman, 875 F2d 244, 249 (9th Cir 1989); cf Habeas L R 2254-3(b)(1);

1 Laue v Nelson, 279 F Supp 265, 266 (ND Cal 1968) (district of
2 conviction preferable forum to review conviction).

3 Because the County of Kings lies in the Eastern District
4 of California, pursuant to 28 USC § 1406(a) and Habeas Local Rule
5 2254-3(b)(2) and in the interest of justice the court orders this
6 petition TRANSFERRED to the United States District Court for the
7 Eastern District of California.

8 The clerk shall terminate all pending motions as moot,
9 close the file and transfer this matter to the United States
10 District Court for the Eastern District of California.

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12 IT IS SO ORDERED.

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16 VAUGHN R WALKER
17 United States District Chief Judge
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